

REMARKS

Claims 1-3, 5, 6, 10-15, 18, 24, and 25 are pending in the present application. Claims 7, 16, 17, and 19-23 have been withdrawn from consideration. Claims 4, 8, and 9 have been canceled. Claims 1 and 5 have been amended. In Claim 1, the word "said" has been removed merely to improve grammar. Support for the amendment to Claim 5 is found in the specification from line 26 of page 10, through line 17 on page 12. No new matter is believed to have been entered by the present amendment.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 10-12, 18, and 25 stand rejected under U.S.C. § 102(a) as purportedly anticipated by *Collado et al.* (Vaccine, 18: p3123-3133, July 2000).

Applicants respectfully traverse this rejection based on the fact that the publication date of *Collado et al.* (July 2000) does not anticipate the earliest priority date of the present application. The present application claims benefit of priority to European Patent Application No. 00440109.7 filed on April 14, 2000. A second priority document, the European Patent Application No. 01440009.7, was filed on January 22, 2001. Certified copies of both priority documents have been filed with the USPTO (in English). These documents in English language appear in the File Wrapper, as verified on April 14, 2006 via Private Pair by the Applicants' representative. On January 5, 2006, Applicants' representative contacted Examiner Brown to obtain an explanation as to why English translations of the priority documents were required. The record reviewed by the Examiner appears to be inconsistent with the Applicant's record and the record on file with PAIR, as to the

English-language priority document submissions. Furthermore, Applicants' representative attempted to contact the Examiner on April 18 and 19, 2006 to further resolve any inconsistencies in the documentation of these records in the File Wrapper for the present application. However, Applicants' representative did not have the opportunity to resolve this issue directly as of the date of this Amendment. A submission of the English translations of these documents requested by the Office Action appears not to be necessary, and Applicants submit that priority has been perfected. Based on the perfection of the priority claims, Applicants request the withdrawal of the §102(a) rejection of Claims 1, 2, 10-12, 18, and 25.

For the convenience of the Office, copies of the priority documents are being submitted with this Amendment (European Patent Application No. 00440109.7 filed on April 14, 2000; European Patent Application No. 01440009.7 filed on January 22, 2001). If the Examiner disagrees with the Applicants, Applicants' representative would welcome an opportunity to further resolve this issue.

Claim Objections

Claims 3, 6, 13-15, and 24 are under objection for depending from rejected base claims, which includes Claims 1, 2, 10-12, 18, and 25 subject to a §102(a) rejection described above. Applicants note with appreciation that the Office Action states that Claims 3, 6, 13-15, and 24 are allowable absent their dependency on rejected base claims.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 5 stands rejected *under* 35 U.S.C. §112, second paragraph, as purportedly indefinite for the recitation of the phrases "differentially or overexpressed" and "certain angiogenic growth factors."

Claim 5 has been amended to cancel the phrase "differentially or overexpressed, wherein the differentially or overexpressed cellular protein comprises." Claim 5 has been amended to exemplify the term "cellular protein" with the list of proteins that appears at the end of the claim. In addition, the term "Vv integrins" has been replaced with the term "Alpha v integrins" to correct a typographical error. Support for the amendment is found at page 10, line 31. Furthermore, the term "certain" that appears before the phrase "angiogenic growth factors onto said tumoral cells" has been canceled from Claim 5. In light of the noted amendments to Claim 5, Applicants request the withdrawal of the rejection under §112, second paragraph.

Rejections under 35 U.S.C. § 112, first paragraph

Claim 5 stands rejected under 35 U.S.C. §112, first paragraph, as purportedly lacking enablement for targeting poxviral particles using cellular antigens that are differentially expressed on tumor cells.

The amendment to Claim 5 to cancel the phrase "differentially or overexpressed, wherein the differentially or overexpressed cellular protein comprises" obviates the basis for the rejection, and Applicants request the withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited. In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

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